

INFORMATION LETTER

Not for
Publication

NATIONAL CANNERS ASSOCIATION

For Members
Only

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Canners May Pre-Register for Convention Attendance

The N.C.A. and C.M.&S.A. will combine registration and information services during the Convention in Chicago in February. Registration packets will be prepared in advance for all individuals known to either N.C.A. or C.M.&S.A. as planning to attend the Convention.

The registration packets will be available without delay commencing at 9 a.m. Friday, February 20, in the second floor elevator lobby of The Conrad Hilton Hotel. In these packets canners and other food processors, brokers, buyers, machinery and supply people, and guests will find the Convention Directory, Convention Program, and personal identification badges. The identification badge will be necessary for admittance to the machinery exhibit. Canners and other food processors also will find in their registration packets a set of daily exhibit door award cards for the selection of attendance prize winners by the C.M.&S.A.

To obtain the advantage of having the registration packet made up in advance and thus immediately available at the Registration-Information Center, those planning to attend the Convention are urged to send in the hotel room and directory listing information immediately. The industry is reminded that there is no registration or exhibit charge in connection with the Canners Convention.

Sugar Quotas for 1959

Sugar quotas for 1959 totaling 9,200,000 short tons, raw value, have been announced by USDA. This is the same level of requirements currently in effect for the 1958 calendar year. The 1958 requirements were initially established at 8,800,000 tons.

Distribution of sugar during calendar 1959 is expected to total 9,050,000 tons. "In light of the current strong demand and market conditions, it appears undesirable to cut total quotas for 1959 below the level of 9,200,000 tons now in effect for 1958," USDA said in its announcement December 29.

N.C.A. Accepting Orders for Convention Sessions

With this issue of the INFORMATION LETTER there is enclosed a form to be used in obtaining tickets to the luncheon sessions that are an important part of the Canners Convention program in February.

The order form describes each of the luncheon programs, as a convenience in selecting those of special interest to each person. There will be three luncheon meetings on Saturday, February 21; two on Sunday, February 22; and one on Monday, February 23. Each of the luncheons will be \$5.00 and service will be buffet.

USDA Plentiful Foods List

The USDA Plentiful Foods List for February includes canned peas, for the third month, and California sardines. Also on the February List are potatoes, pork, eggs, turkey, milk, apples, winter celery, cabbage, walnuts, honey, peanut products, dry beans, and lamb.

FDA Sets Zero Tolerance on Residue of Aramite

The FDA has ruled that no residue of the pesticide Aramite will be permitted on fruits and vegetables moving in interstate commerce. The new order establishes a zero tolerance and rescinds tolerances of 1 ppm previously in effect.

The order was published in the *Federal Register* of December 24 and was effective immediately.

FDA said that its action was based on data from animal feeding studies, submitted by the manufacturer, which show that Aramite when fed at levels as low as 500 ppm causes cancer in dogs, and also that Aramite has been proven to be a carcinogen for the rat.

States Demand Compliance with Labeling Regulations

Pennsylvania and New Jersey weights and measures officials have recently brought to the attention of many canners that the quantity declaration on their labels does not include the word "net", as required by regulations of those states. In conference with the state officials in Harrisburg and Trenton, N.C.A. staff and counsel pointed out that federal law does not require use of the word "net", but both states have refused to alter their position. They have agreed, however, to allow canners to use labels now on hand, if steps are taken to have all plates changed to include the word "net".

Pennsylvania officials raised an additional objection to the use of a supplemental equivalent metric declaration, and a "drained weight" declaration for olives, but they have withdrawn these objections and now restrict their demands to the addition of "net". Thus, olives should be labeled: "Net Drained Weight — oz.", and a metric equivalent may be added if desired.

Canners and distributors whose products are sold in Pennsylvania and New Jersey, and whose labels do not contain the word "net" preceding the quantity declaration, may avoid legal action by writing to the Weights and Measures Divisions of both states, supplying the following information: (1) a declaration of intent to have label plates changed to include the word "net"; (2) a statement of inventory of canned foods and labels now on hand not including "net"; (3) an estimate as to when these inventories will be exhausted; (4) an estimate as to when the last of the non-conforming labels will be found on products on retail shelves, with a description of the various factors that might affect the accuracy of this estimate.

The officials in both states have assured the N.C.A. representatives that they understood the problems involved, and that they would not require that canners destroy label stocks

on hand. It was pointed out that some labels already printed might not be used until next year's packing season, and might not reach consumers until some time after that. In those cases, letters to the states should include that information, outlining reasons for the delay. Letters should be addressed to:

Division of Weights and Measures
Department of Law and Public
Safety
Trenton, New Jersey

and

Bureau of Standard Weights and
Measures
Commonwealth of Pennsylvania
Department of Internal Affairs
Harrisburg, Pennsylvania

The federal requirement is that the quantity declaration must be in unambiguous terms of weight or fluid measure. A label statement such as "Contents 8 Ounces" may be interpreted to refer to either fluid ounces or avoirdupois ounces. If the amount must be declared in weight, the statement should read "Net Contents 8 Ounces Avoirdupois" (or the abbreviation "Avoir.") or "Net Weight 8 Ounces". If an unambiguous term is used as in "Net Contents 1 Pound 2 Ounces", no change need be made.

Most canners have available the FDA regulations, but many are not informed of state labeling requirements. It is thought advisable, therefore, to print here the relevant portions of the "Model State Regulations for Package Marking Requirements", as adopted by the 38th National Conference on Weights and Measures (1953). These are in large part similar to the federal regulations, and have been adopted in substance in many states, including New Jersey. Most states have added important variations, however, and canners or distributors should be careful to refer to specific state regulations when some question arises. For example, the requirement that the word "net" appear is based upon regulations peculiar to Pennsylvania and New Jersey. Pennsylvania's regulation provides that "the word 'net' shall be a part of and included in the designation of the marking of the weight of the contents of packages governed" by the state law. Section 50(i) of the New Jersey regulations reads: "The statement shall express the net or minimum quantity."

Despite these variations, the Model Regulation is valuable for reference purposes, and significant parts are reprinted at right.

EXCERPTS FROM "MODEL STATE REGULATION FOR PACKAGE MARKING REQUIREMENTS"

Regulation. (a) If a commodity is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase which reveals the connection such person has with such commodity, such as "Manufactured for and Packed by" "Distributed by" or other similar phrase which expresses the facts.

(b) The statement of the place of business shall include the street address, if any, of such place, unless such street address is shown in a current city directory or telephone directory.

(c) Where a person manufactures, packs, or distributes a commodity at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where each package of such commodity was manufactured or packed or is to be distributed, if such statement is not misleading in any particular.

(d) (1) The statement of the quantity of the contents shall reveal the quantity of commodity in the package, exclusive of wrappers and other material packed with such commodity.

(2) The statement shall be expressed in the terms of weight, measure, numerical count, or a combination of numerical count and weight, or measure, which are generally used by consumers and users to express quantity of such commodity and which give accurate information as to the quantity thereof. But if no general consumer usage in expressing accurate information as to the quantity of such commodity exists, the statement shall be in terms of liquid measure if the commodity is liquid, or in terms of weight if the commodity is solid, semi-solid, viscous, or a mixture of solid and liquid; except that such statement may be in terms of dry measure if the commodity is a fresh fruit, fresh vegetable, or other dry commodity.

(3) When any term common to two or more systems of weight or measure is employed in the quantity statement, said statement shall include the proper qualification of the term, as, for examples, "avoirdupois ounces" and "fluid ounces"; "liquid pints" and "dry pints"; "liquid quarts" and "dry quarts."

(e) (1) A statement of weight shall be in terms of the avoirdupois pound and ounce. A statement of linear measure shall be in terms of the standard yard and foot and inch subdivisions thereof. A statement of liquid measure shall be in terms of the United States gallon of 231 cubic inches and quart, pint, and fluid ounce subdivisions thereof, and, except in case of a frozen commodity which is

so consumed, shall express the volume at 68° Fahrenheit (20° Centigrade). A statement of dry measure shall be in terms of the United States bushel of 2,150.42 cubic inches and peck, dry quart, and dry pint subdivisions thereof; or in terms of the United States standard barrel for fruits and vegetables (except cranberries) and its subdivisions of third, half, and three-quarters barrel; or in terms of the United States standard barrel for cranberries, and subdivisions thereof. However, in the case of an export shipment, the statement may be terms of a system of weight or measure in common use in the country to which such shipment is exported.

(2) A statement of weight or measure in the terms specified in subdivision (1) of this paragraph may be supplemented by a statement in terms of the metric system of weight or measure.

(3) Unless an unqualified statement of numerical count gives accurate information as to the quantity of commodity in the package, it shall be supplemented by such statement of weight, measure, or size of the individual units of the commodity as will give such information.

(4) Unless an unqualified statement of weight or measure gives accurate information as to the quantity of the contents in the package, it shall be supplemented by such statement of count or size of the individual units of the commodity as will give such information.

(f) Statements shall contain only such fractions as are generally used in expressing the quantity of the commodity. A common fraction shall be reduced to its lowest terms, a decimal fraction shall not be carried out to more than two places, except in the case of drugs.

(g) (1) If the quantity of commodity in the package equals or exceeds the smallest unit of weight or measure which is specified in paragraph (e) of this regulation, and which is applicable to such commodity under the provisions of paragraph (d), (2) of this regulation, the statement shall express the number of the largest of such units contained in the package (for example, the statement on the label of a package which contains one quart liquid of commodity shall be "1 quart liquid," and not "2 pints liquid," or "32 fluid ounces"), unless the statement is made in accordance with the provisions of subdivision (2) of this paragraph. Where such number is a whole number and a fraction, there may be substituted for the fraction its equivalent in smaller units, if any smaller unit is specified in such paragraph (e) (for examples, 1½ quarts liquid may be expressed as "1 quart 1½ pints liquid" or "1 quart 1 pint 8 fluid ounces"; 1½ pounds may be expressed as "1 pound 4 ounces").

The stated number of any unit which is smaller than the largest unit (specified in such paragraph (e)) contained in the package shall not equal or exceed the number of such smaller units in the next larger unit so specified (for examples, instead of "1 quart 16 fluid ounces" the statement shall be "1½ quarts liquid" or "1 quart 1 pint liquid"; instead of "24 ounces avoirdupois" the statement shall be "1½ pounds" or "1 pound 8 ounces").

(2) In the case of a commodity with respect to which there exists an established custom of stating the quantity of the contents as a fraction of a unit, which unit is larger than the quantity contained in the package, or as units smaller than the largest unit contained therein, the statement may be made in accordance with such custom if it is informative to consumers.

(h) The statement shall express the minimum quantity, or the average quantity, of the contents of the packages. If the statement is not so qualified as to show definitely that the quantity expressed is the minimum quantity, the statement shall be considered to express the average quantity.

(i) Where the statement expresses the minimum quantity, no variation below the stated minimum shall be permitted except variations below the stated weight or measure caused by ordinary and customary exposure, after the commodity is sold and delivered by the manufacturer, packer, or distributor, to conditions which normally occur in good distribution practice and which unavoidably result in decreased weight or measure. Variations above the stated minimum shall not be unreasonably large.

(j) Where the statement does not express the minimum quantity—

(1) variations from the stated weight or measure shall be permitted when caused by ordinary and customary exposure, after the commodity is sold and delivered by the manufacturer, packer, or distributor, to conditions which normally occur in good distribution practice and which unavoidably result in change of weight or measure;

(2) variations from the stated weight, measure, or numerical count shall be permitted when caused by unavoidable deviations in weighing, measuring, or counting the contents of individual packages which occur in good packing practice. But under subdivision (2) of this paragraph variations shall not be permitted to such extent that the average of the quantities in the packages comprising a shipment or other delivery of the commodity is below the quantity stated, and no unreasonable shortage in any package shall be permitted, even though overages in other packages in the same shipment or delivery compensate for such shortage.

(k) The extent of variations from the stated quantity of the contents

permissible under paragraphs (i) and (j) of this regulation in the case of each shipment or other delivery shall be determined by the facts in such case.

(n) Information required by or under authority of the Act to appear on the label may lack the prominence and conspicuousness required by Section (—) (Section 19 of the Model Law) of the Act by reason (among other reasons) of—

(1) the failure of such information to appear on the part or panel of the label which is presented or displayed under customary conditions of purchase;

(2) the failure of such information to appear on two or more parts or panels of the label, each of which has sufficient space therefor, and each of which is so designed as to render it likely to be, under customary conditions of purchase, the part or panel displayed;

(3) the failure of the label to extend over the area of the container or package available for such extension, so as to provide sufficient label space for the prominent placing of such information;

(4) insufficiency of label space (for the prominent placing of such information) resulting from the use of label space for any word, statement, design, or device which is not required

by or under authority of the Act to appear on the label;

(5) insufficiency of label space (for the prominent placing of such information) resulting from the use of label space to give materially greater conspicuousness to any other word, statement, or information, or to any design or device;

(6) smallness or style of type in which such information appears, insufficient background contrast, obscuring designs or vignettes, or crowding with other written, printed, or graphic matter; or

(7) the use of label space for any representation in a foreign language.

(o) All information required by or under authority of the Act to appear on the label or labeling shall appear thereon in the English language.

1958 Pack of Canned Pumpkin and Squash

The 1958 pack of canned pumpkin and squash totaled 2,996,550 actual cases compared with the 1957 pack of 2,844,467 cases, according to a report by the N.C.A. Division of Statistics.

| State | 1957 | 1958 |
|--------------------------|----------------|-----------|
| | (actual cases) | |
| New York and Maine... | 418,761 | 264,608 |
| Md., Del., and N. J. ... | 161,271 | *151,655 |
| Ohio..... | 88,095 | 162,935 |
| Indiana..... | 82,729 | 104,434 |
| Illinois..... | 1,179,707 | 1,418,906 |
| Western states..... | 713,990 | 624,943 |
| Other states..... | 199,914 | 260,070 |
| U. S. Total..... | 2,844,467 | 2,996,550 |

* No pack in Md. Western states include Calif., Colo., Mont., and Ore. Other states: Pa., Mich., Minn., and Wis.

The Division also issued a report on canners' stocks of canned pumpkin and squash on December 1 and season shipments to that date.

| | 1957-58 | 1958-59 |
|--------------------------|----------------|-----------|
| | (actual cases) | |
| Carryover, July 1..... | 1,356,991 | 890,024 |
| Pack..... | 2,844,467 | 2,996,550 |
| Total supply..... | 4,201,458 | 3,886,574 |
| Stocks, Dec. 1..... | 1,438,192 | 1,220,373 |
| Shipments, July 1-Dec. 1 | 2,763,356 | 2,666,201 |

Storage Stocks of Potatoes

Total storage stocks of potatoes held by growers and local dealers on December 1 amounted to 128.3 million hundredweight, the largest holdings since the 129.3 million hundredweight in storage on December 1, 1950, according to the Crop Reporting Board of USDA.

The holdings on December 1 were 18 percent above the 108.4 million hundredweight held on December 1, 1957, and 19 percent above the 1949-57 average storage of 108.1 million hundredweight.

USDA Amends Regulations for Voluntary Poultry Inspection

USDA has changed certain labeling provisions and sanitary requirements in its voluntary poultry inspection program.

Processors who are temporarily exempted from the compulsory inspection program will be permitted to use the circular inspection mark if they elect to use the voluntary inspection program, on a fee basis, during their exemption period.

If a processor qualifies for exemption but does not elect to operate under the voluntary inspection program, he will be required to label shipping containers with the statement "USDA Exemption No. 000" (exemption certificate number).

Changes also were made in the sanitary requirements in the voluntary inspection regulations to make them conform with requirements under the compulsory inspection program.

The amended rules governing the voluntary inspection program were published in the *Federal Register* of December 24.

REPORTS ON ASSOCIATION ACTIVITIES

Raw Products Research Bureau

During the past three months personnel of the Raw Products Research Bureau have attended a number of meetings at which reports on research in vegetable and fruit production have been made. Attendance at these meetings has been for the purpose of keeping abreast of current developments in production techniques having a bearing on the production of crops for canning use. Among meetings attended were the annual Agricultural Research Institute meeting, Washington, D. C.; Research Conference on Deciduous Fruits, Wyndmoor, Pa.; Pea Improvement Association meeting, Milwaukee, Wis.; Tri-State Packers' Association Raw Products Committee meeting, Wilmington, Del.; Eastern Branch, Entomological Society of America meeting, Baltimore, Md.; Tri-State Packers' Association Convention Commodity Conferences, Philadelphia, Pa. Attendance at these meetings also provided the opportunity for staff members to discuss with the research workers who attended current problems of importance in the canning industry.

The Raw Products Technical Advisory Committee meeting held in Milwaukee in November provided the opportunity for the review of progress made during the current year on the various research projects being carried on by the various subcommittees. Active discussion of the programs under way and plans for continuance of the work took place. Arrangements for forthcoming meetings were discussed and an active program of work was outlined for the coming year.

As a part of the T.A.C. program, committee conferences were held at N.C.A. headquarters during December. One of these was a meeting of the Vegetable Projects Steering Committee with workers in the Quality Evaluation Section of the Marketing Research Division, AMS, USDA. A full day was consumed in reports and discussions of their research on objective methods of evaluating the raw tomato quality as well as their extensive research program on new methods of seed quality evaluation. The Fruit Projects Steering Committee also held a one-day conference at which reports were presented by USDA and Experiment Station workers on their fruit breeding programs and on research projects bearing on the production and utilization of fruits for canning. Members of the Tomato Projects Subcommittee also met in December with the Agricultural Engineering Research Division and Crops Research Division of the ARS, USDA, to discuss industry needs in new harvesting equipment and re-

search in horticultural crops in general. As a result of these meetings a number of areas of research where increased emphasis and time need be placed in the future were brought to the attention of staff and committee personnel.

During November a staff member participated in meetings of the board of directors of the Special Industrial Radio Service Association which resulted in final revision and acceptance of the constitution and by-laws, budget, etc. for the reorganized SIRSA. Since that time staff members have continued to aid the development of an effective association for the furtherance of the interests of two-way mobile radio users licensed in the Special Industrial Radio Service.

Following up earlier efforts to initiate research on the problem of bacterial spot in tomatoes, a special release was sent to all canners of tomatoes and tomato products in November. This called canners' attention to the seriousness of the bacterial spot problem during the 1958 season and included recommendations for a dust treatment of the seed to eliminate surface contamination. Canners were urged to notify their seed suppliers and insist upon the prescribed seed treatment. Other information with regard to reducing the incidence of bacterial spot infection during 1959 was included.

During December a staff member attended the annual conventions of the Vegetable Growers Association and National Junior Vegetable Growers Association and took part in their programs.

Montgomery Phister

Montgomery Phister, 61, vice president and secretary of the Van Camp Sea Food Co., Inc., Terminal Island, Calif., died December 25. He was prominent in fisheries activities and active in N.C.A. affairs.

He was graduated with a doctor of law degree from the University of Southern California Law School in 1918 and was a partner in a law firm from 1921 to 1945. Beginning in 1937, Mr. Phister devoted full time to the Van Camp firm.

He served continuously since 1946 as a member of the N.C.A. Fishery Products Committee, and as its Chairman a number of times. He was elected to the N.C.A. Board of Directors in 1957.

Mr. Phister was a past president of the California Fish Canners Association, chairman of the American Bar Association's Committee on Fisheries and Territorial Waters, and a member of government advisory committees to several international fisheries conservation commissions. He also was active in civic affairs in the Los Angeles and San Pedro areas.

1958 Annual Index

The 1958 annual index of the INFORMATION LETTER covering all issues from January 4 (No. 1664) through December 24 (No. 1712) is enclosed with this issue of the LETTER.

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